Return to Work Program - Procedure

Procedure Statement

Purpose

The purpose of this Procedure is to assist injured workers with their recovery and return to the workplace. It outlines the commitment to assist injured workers with accessing necessary treatment and rehabilitation, and the steps to be taken to achieve a safe, timely and durable return to work. It forms the overall system of Workplace Injury Management and should be read in conjunction with the UNSW Workplace Injury Management Program (NSW Campuses).

Scope

Applicable to all NSW University of New South Wales employees

Are Local Documents on this subject permitted?

☐ Yes
☐ Yes, subject to any areas specifically restricted within this Document
☒ No

Procedure Processes and Actions

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UNSW supports the safe return to work of injured workers as soon as practicable following work related injury and/or illness and is committed to the principle of workplace injury management.

1. Introduction to the Return to Work Program

The Return to Work Program consists of the procedures that UNSW has in place to help injured workers with their recovery and return to the workplace. It outlines UNSW’s commitment to assist injured workers with accessing necessary treatment and rehabilitation, and the steps to be taken to achieve a safe, timely and durable return to work.

This Return to Work Program forms a component of UNSW’s overall system of Workplace Injury Management and should be read in conjunction with the UNSW Workplace Injury Management Program (NSW Campuses). This can be viewed at http://www.workerscompensation.unsw.edu.au/

The return to work of injured workers is an integral part of the workers compensation system in NSW. The underlying principle is that the workplace, and not a medical institution or the home, is often the most appropriate and effective place to rehabilitate the majority of injured workers. Another major principle is that all parties at the workplace have a social and economic interest in ensuring that
employees return to work safely, as soon as possible following a work-related injury or illness.

Occupational rehabilitation is a managed process, usually at the workplace, aimed at maintaining injured or ill workers in, or returning them to, suitable employment. It involves early intervention with appropriate, adequate and timely services based on assessment of the injured worker's needs.

The rehabilitation process, which is based on current medical advice, aims to return injured workers to work according to the following hierarchy of goals:

1. Same duties / same employer
2. Modified or reasonably adjusted duties/same employer
3. Different duties /same employer
4. Similar duties/different employer
5. Different duties/different employer

More detail on how these goals may help in the development of a return to work plan is provided in Section 8.3 and 8.4:

In particular circumstances, medical retirement or termination of employment due to ill health may need to be considered. However, this will only be after all other applicable options have been pursued and exhausted.

The UNSW Return to Work Program applies to all UNSW employees (UNSW employees at Canberra UNSW are covered separately under ACT Legislation).

2. Developing and Implementing the Return to Work Program

UNSW has, through consultation with worker representatives, developed a Return to Work Program for the management of employees who are injured at work.

The Program was developed in consultation with employees through formal consultation with employees and Unions, health and safety consultation committees and staff meetings.

Workers will be informed of their rights and responsibilities and of UNSW policies on Return to Work through:

- Health and safety (HS) representatives
- Health and safety (HS) consultation committees
- HS e-newsletter
- UNSW training programs
- Workers Compensation department and UNSW Workers Compensation Website

3. Self-Insurance Statement and Claims Staff Contact Details

For the purpose of injury management and workers compensation, UNSW is a licensed self-insurer under Section 211 of the Workers Compensation Act 1987 (NSW).

The Workers Compensation section is part of UNSW Safety & Sustainability and can be found at the location below:

Workers Compensation - Safety & Sustainability
Lower Ground, Room 25 Chancellery Building
General enquiries
9385 1107
Workers.comp@unsw.edu.au
Claims Manager
4. WH&S Commitment

4.1. Introduction

UNSW recognises its obligations under the Work Health and Safety Act 2011 (NSW) and is committed to preventing workplace injury/illness and providing a safe, healthy and secure learning and working environment by taking all reasonable precautions to protect the health, safety and welfare of its staff, students, contractors and visitors whilst they are on University premises or engaged in approved work for UNSW. UNSW is committed to a systematic approach to the identification, assessment, elimination or control of hazards.

To help achieve this goal, everyone attending a UNSW workplace is required to ensure that their actions don’t adversely affect the health and safety of others.

4.2. Preventing Injury

Examples of measures used to prevent injury at UNSW include but are not limited to:

- Regular departmental Health and Safety (HS) inspections to identify any potential risks / hazards and implement corrective actions.
- Employee training, e.g. Health & Safety Induction, Health & Safety Awareness
- Laboratory safety awareness, Hazardous substances, Biosafety for PC2 Laboratories, Ionising Radiation, Ergonomic training and Manual Handling Training.
- Hazard and incident reporting.
- Investigation of any reported workplace incidents to identify root cause and implement corrective actions.

4.3. Hazard and Incident Reporting - Identifying Hazards for the Prevention of Injury

UNSW recognises the benefits of risk identification, assessment and control for the prevention of workplace injuries and illness and investigates incidents in a spirit of “no blame”.

Employees are required to assist this process of preventing injury by reporting any identified hazards. They can do this via:

- The online reporting system through myUNSW
- At local HS inspections
- Directly with their supervisor or
- Their HS representatives for discussion at committee meetings

It is advised that even if reporting is done at HS inspections, supervisor, HS representative or at committee, it should also be done via the online system.

Once reported the employee’s supervisor is notified electronically and are prompted to address the issue in accordance with UNSW’s HS management systems.
Hazards and incidents are reported online through myUNSW (https://my.unsw.edu.au) within the ‘My Staff Profile’ section. To report a hazard or incident or to address one that has been referred to you, login to myUNSW and go to:

- ‘My Staff Profile’ tab.
- Click on ‘My Profile’ and then ‘Health, Safety & Environment’
- Click on ‘Report a Hazard/Incident’
- Select an issue type from the drop-down menu: either ‘Hazard’ or ‘Incident\Injury’
- Fill out the report (you may complete this on behalf of someone else)
- Once the report has been submitted, an email will be sent to the nominated supervisor and to the HS department.

The supervisor then logs into myUNSW to conduct the investigation and instigate any corrective action required.

Guides for staff and supervisors to assist in completing online reporting are also available on the WHS website at: https://safety.unsw.edu.au/sites/default/files/documents/HS713_Guide_to_reporting_hazards_and_incidents_1.pdf

4.4. Consultation
UNSW Management will consult with employees through the HS Consultation Committees, HS representatives and Unions on-site in developing, implementing and reviewing the UNSW HS policy and the UNSW HS Strategic Management Plan. HS337 Health and Safety Consultation Procedure

4.5. Dissemination of relevant HS and Injury Management Information
Updates on Health and Safety and injury management information are distributed by UNSW using the following methods:

- Briefing sessions to Work Health Safety consultation committees
- Health and Safety e-newsletter and Hazard Alerts
- UNSW Intranet and UNSW Health and Safety News
- UNSW training programs including but not limited to, online HS induction; HS for Supervisors; Online hazard management modules such as office ergonomics
- Communication by the UNSW Health and Safety department
- At local HS inspections
- Direct communication by a supervisor
- Distribution by HS representatives for discussion at committee meetings

It is advised that even if reporting is done at HS inspections, supervisor, HS representative or at committee, it should also be done via the online system (see Section 4.3). Once reported, the employee’s supervisor is notified electronically and prompted to address the issue in accordance with UNSW’s HS management systems.

4.6. Use of Data – in Improving Injury Management Outcomes and Preventing Injury
The University is committed to improving injury management outcomes by using statistical techniques to analyse injury trends. T

Senior management shall review the capacity, suitability and effectiveness of the UNSW HSMS and resources allocated to satisfy the requirements of the Self Insurer’s Model and legislative requirements. This will be achieved by reviewing:

1) Health & Safety strategic goals and objectives (this will be achieved by the submission of progress reports on Key Performance Targets to the Vice-Chancellor by his direct reports);
5. Injury Management Commitments

UNSW makes the following commitments to the injury management; early, safe and durable return to work and the rehabilitation of all workers who suffer a work related injury or illness. UNSW will:

- Ensure that injured workers return to work as soon as practicable, and that returning to work is a normal practice and expectation.
- Commence Injury Management activities as soon as practicable following an injury, irrespective of an injured worker’s compensation claim status. These activities are aimed at assisting an injured worker recover from injury, including access to all necessary treatment and/or rehabilitation services and through the provision of suitable employment/duties.
- Provide suitable duties/employment, where reasonably practicable, for injured workers as an integral part of the injury management process.
- Ensure that participation in the injury management program will not, of itself, jeopardise job security.
- Consult with injured workers and relevant stakeholders to ensure the program operates effectively.
- Maintain confidentiality of information relating to injured workers on rehabilitation (return to work) programs.
- Ensure that all injured workers at UNSW have access to the Injury Management Program which is made available on UNSW’s Safety & Sustainability / Workers Compensation website.
- Ensure that all employees are aware of their responsibilities, obligations and penalties under the Injury Management Program and that the requirements of the Program are properly communicated and understood (e.g. through departmental induction programs, at WHS meetings, UNSW Workers Compensation website information, internal productions, training courses and team briefings).

6. Reporting Injury and Initial Management

6.1. Reporting Injury

All work related injuries and illnesses must be reported by the injured worker to the immediate supervisor as soon as practicable, and to UNSW Workers Compensation Department (as a self-insurer) within 48 hours of the injury/illness occurring.

All injuries/illnesses are to be reported through the WHS Reporting System by way of an online hazard/incident report. This is found in myUNSW (https://my.unsw.edu.au) within the ‘My Staff Profile’ section, titled Report / Manage WHS Issues.

To report an injury you must login to myUNSW and go to:

- ‘My Staff Profile’ tab
- Click on ‘My Profile’ and then ‘Health, Safety and Environment’
- Click on ‘Report a Hazard/Incident’
- Select an issue type from the drop-down menu: and select ‘Incident\Incident’
- Fill out the report (you may complete this on behalf of someone else)

Once the report has been submitted an email will be sent to the nominated supervisor; the Workers Compensation section and HS department informing them of the injury.

In the event that it is not practicable for the injured worker to report the incident within 48 hours via the online system, the supervisor must log in to myUNSW and report the injury on the injured worker’s behalf.
within 48 hours.

If the online system is unavailable the injured worker or supervisor must report the injury directly to the Workers Compensation Department (see Self-Insurance Statement and Claims Staff Contact details). Guides for staff and supervisors to assist in completing online reporting are also available on the HS website at: https://safety.unsw.edu.au/sites/default/files/documents/HS713_Guide_to_reporting_hazards_and_incidents_1.pdf. Failure to report an injury in a timely manner may serve to delay access to appropriate medical treatment, return to work and or access to Workers Compensation benefits.

6.2. Acute First aid/ Medical treatment

Following injury the injured worker, with the assistance of the supervisor, should seek appropriate acute first aid / medical attention.

Workers have the right to choose their medical providers and may seek help from their local or preferred treating doctor. Alternatively, the following are available within close proximity to UNSW Kensington campus and may be able to provide assistance:

- A certified First Aid Officer in your area
- UNSW Emergency for security to contact an ambulance (Dial 56666)
- The nearest available hospital or medical facility
- Prince of Wales Hospital, Barker St Randwick (Adult Emergency is accessed from Barker Street)
- University Health Service, Lower Ground Floor, Quadrangle Building Kensington Campus.

6.3. Choosing a Nominated Treating Doctor

The injured worker must then choose a Nominated Treating Doctor; this may be an individual doctor, treating medical specialist or medical practice.

The Nominated Treating Doctor will provide treatment, participate in the establishment of an individual Injury Management Plan, comment on fitness for work and appropriateness of suitable duties or employment, and provide consecutive Certificate(s) of Capacity for the duration of the recovery from injury and return to work.

The injured worker must give consent for the Nominated Treating Doctor to provide information to UNSW for the purposes of developing the Injury Management and Recover at Work Plans. This can be done by signing the declaration at the bottom of the certificate.

The initial and any subsequent Certificate of Capacity are to be forwarded by the employee to the Workers Compensation department to allow for the assessment of reasonable and necessary medical treatment and return to work planning.

6.4. Changing Nominated Treating Doctor

An injured worker may be permitted to change their Nominated Treating Doctor if they can provide a valid reason verbally or in writing in line with Section 47(6) of the Workplace Injury Management and Workers Compensation Act 1998.

UNSW recognises that in cases where an injured worker is not recovering from injury or is not satisfied with the level of treatment/communication received from a Nominated Treating Doctor, that a change of Nominated Treating Doctor can be a productive and pro-active move towards recovery.

Consistent medical care is essential to assist with recovery and safe return to employment after an injury. Changing the doctor can interrupt good medical care.

If you have a reason to change your Nominated Treating Dr, you must contact the Workers Compensation Department and inform them of your reason. The Workers Compensation Department may ask that you advise them in writing.
In some circumstances UNSW as a Self-Insurer may request the injured worker to change Nominated Treating Doctor. Reasons may include:

- The doctor is consistently unavailable or unwilling to cooperate in the development and review of any Injury Management Plan.
- Continual improper completion of the Certificate of Capacity including the backdating of certificates.
- Communication (including language difficulties) with the doctor is impeding medical management and an early, safe and durable return to work.
- Either the employee or the doctor moves to another area.
- The doctor does not continue to practice.

6.5. Early Contact

Following notification the Return to Work Coordinator and/or Claims Officer will obtain the injured worker's consent before obtaining, using or disclosing injury management information. This can be in the form of a Certificate of Capacity signed by the injured worker or a signed Authority to Release Medical Information form provided by UNSW.

They will then liaise with the injured worker, the supervisor and, if necessary, Nominated Treating Doctor within 3 working days of becoming aware that the workplace injury is significant.

Early contact can assist in:

- Clarifying the nature and cause of an injury and any treatment undertaken or proposed
- Providing information to the employee about rights and responsibilities and the injury management and workers compensation processes in general
- Obtaining consent to liaise with treating medical professionals (e.g. medical certificates)
- Identifying factors (or barriers) which may prevent early return to work and discussing a plan to overcome them
- Identifying and implementing suitable duties that are consistent with the current capacity of the injured worker
- Assisting with establishment of a Recovery at Work Plan and Injury Management Plan to document the appropriate strategies that will assist with the return to and recovery at work from injury
- Facilitating realistic injury management and return to work goal setting
- Assist with identifying if interpreter services are required.

6.6. Injury Management Plan

The purpose of an Injury Management Plan is to establish a coordinated and managed return to work of an injured worker, who has suffered a significant injury, which is timely, safe and durable. It concerns all aspects of the treatment, rehabilitation and retraining of the injured worker. An Injury Management Plan will be done for all significant injuries within 20 days of notification of the injury being significant.

Any Injury Management Plan is to be developed in consultation with the injured worker, Nominated Treating Doctor and the employee's manager/supervisor.

The Injury Management Plan has a review process, which is determined in consultation with the Nominated Treating Doctor and on receipt of medical certificates. The Injury Management Plan will be reviewed at the end of each plan period (no greater than 3 months) or when there is a change in work capacity or significant change in the injured worker’s treatment plan.

The responsibility for developing, coordinating, distributing and managing the Injury Management Plan lies with the Return to Work Coordinator.

All parties nominated to undertake actions under an Injury Management Plan are to conform to the requirements of the Plan. If an injured worker unreasonably refuses to comply with the requirements of an Injury Management Plan after being requested to by UNSW, the injured worker may have further entitlement to weekly payments of compensation suspended during any period that the failure continues. This action can only occur if the Workers Compensation section has given written notice to that effect, together with a statement of reasons for the entitlements ceasing. The Claims Officer will explore the
reasons for non-compliance prior to ceasing benefits and will advise in writing the reasons and steps to be taken to avoid the suspension of weekly benefits. The reinstatement of weekly payments does not entitle the injured worker to payments during the period of non-conformance.

6.7. Interpreter Services

If an injured worker speaks languages other than English and is finding it difficult to understand spoken or written correspondence regarding injury management, including their obligations, they should contact the Return to Work Coordinator so that appropriate interpreter services can be arranged on their behalf.

7. Returning to Work Following Work Related Injury

7.1. Introduction to Return to Work

The return to work of injured workers is an integral part of the workers compensation system in NSW, and is essential for assisting the injured worker to recover from injury and return to productive employment.

The principle is that the workplace, and not a medical institution or the home, is often the most appropriate and effective place to rehabilitate the majority of injured workers. All parties at the workplace have a social and economic interest in ensuring that employees return to work safely, as soon as possible following a work related injury or illness.

Effective return to work commences early and involves regular consultation with the injured worker, supervisor, Nominated Treating Doctor, treating medical providers or any other relevant person who can contribute to the process.

In cases where an employee is unable to return directly to their pre-injury duties and a gradual, upgrading return to work is recommended, then provision of suitable duties that meets the current work capacity of the injured worker may occur and a Recover at Work Plan (RAW Plan) developed.

UNSW is required to appoint an appropriately trained Return to Work Coordinator to assist with the return to work process.

7.2. Return to Work Coordinator

The Return to Work Coordinator is required to have completed the State Insurance Regulatory Authority (SIRA) Return to Work Coordinator Training, or have been granted exemption from this by SIRA due to existing qualifications and/or experience.

Please see Section 3 Self Insurance Statement and Claims Staff Contact details for name and contact details of UNSW’s Return to Work Coordinator.

The Return to Work Coordinator will be the focal point for all contact relating to the injured worker. Most contact will be with the employee, their supervisor, Nominated Treating Doctor, Claims Officer, Rehabilitation Provider and union if necessary.

They will be responsible for developing Recover at Work Plans and Injury Management Plans for injured workers with significant injuries (see definitions). For Recover at Work Plans this is done with reasonable attempts at consultation with the worker, supervisor and Nominated Treating Doctor.

The full responsibilities of the Return to Work Coordinator can be found at point 11.4 of this program.

7.3. Provision of suitable duties

UNSW will provide suitable duties within the certified work capacity where practicable to do so to partially incapacitated workers. The officer responsible for arranging suitable duties is the Return to Work Coordinator.

Prior to the injured worker being certified fit with a capacity to work on suitable duties, the Return to Work Coordinator may discuss what suitable duties are available with, and propose an early return to work to:

- The injured worker
Supervisor

Nominated Treating Doctor

Treatment providers

Approved Workplace Rehabilitation Provider (where involved)

Union representative (where requested by employee)

Following advice from the Nominated Treating Doctor, or in exceptional circumstances other medical advice, that the injured worker is fit for some work, suitable duties will be investigated and offered where practicable.

Suitable duties will be investigated in line with the following hierarchy of rehabilitation goals:

1. Same duties / same employer
2. Modified or reasonably adjusted duties/same employer
3. Different duties /same employer
4. Similar duties/different employer
5. Different duties/different employer

The initial focus will be on maintaining the employee in, or returning the employee to, their pre-injury employment.

Suitable duties should be productive and meaningful. They could take different forms, for example the same duties but with reduced hours, or modified and/or alternative duties in the same or different work area. In the majority of cases suitable duties will only need to be provided for a temporary period until the injured worker is fit to resume the full duties of his or her pre-injury position.

Suitable duties are to be time limited, monitored closely and regularly upgraded towards pre-injury hours and duties where appropriate.

The following will be considered when determining whether a job for an injured worker is suitable:

- The nature of the worker’s incapacity and pre-injury employment
- Details of capacity of employment given in the Certificate of Capacity supplied by the Nominated Treating Doctor
- The worker’s age, education, skills and work experience
- The provisions of any Injury Management Plan for the worker
- Any suitable employment for which the worker has received rehabilitation training
- The length of time the worker has been seeking suitable employment
- Other relevant matters

In some cases suitable duties may not be able to be offered or may be withdrawn. Some examples of instances where this may occur may include:

- Where medical restrictions are of such a nature and degree that there are no meaningful and productive duties that can be provided that would comply with these restrictions and/or allow for a safe resumption of work
- Where the continuing provision of temporary duties is not leading to progression toward the agreed return to work goal
- Where it is evident that suitable duties are not operationally sustainable by the work area

When suitable duties are identified and agreed to, it will be specified in a written Return to Work Plan and signed by the supervisor, the worker, and the Nominated Treating Doctor.

### 7.4. Recover at Work Plan

An individual Recover at Work Plan will be developed for each injured worker who is to return to work on suitable duties. A Recover at Work Plan can be developed by a trained Return to Work Coordinator or an Approved Workplace Rehabilitation Provider. It will be developed with reasonable attempts to consult with all the relevant parties, including the Nominated Treating Doctor.
The Recover at Work Plan will be in writing and contain:

- The job title and School / Unit where employed
- The agreed purpose or goal of suitable duties (for example, to return to pre-injury duties or to an alternative job)
- The allocated supervisor
- The hours/days to be worked
- The duties, medical restrictions or specific duties to be avoided
- The commencement and review dates

When developing Recover at Work Plans, consideration may be given to:

- The physical capacity of the injured worker
- The special needs of individual employees, for example, the communication needs of workers who speak languages other than English
- The personal circumstances of injured workers that may impact on suitable duties, for example, child care arrangements or travel arrangements
- Impact on the workload of other workers
- Whether the worker may require training in the suitable duties tasks prior to the Recover at Work Plan being implemented

The following is indicative of how Return to Work Plans may be structured, giving consideration to all the above to achieve the personal rehabilitation goals.

**Goal: Same employer/same job**

When returning to work to the same job is the most likely outcome, then the Recover at Work Plan may include one or more of these scenarios.

<table>
<thead>
<tr>
<th>Duties</th>
<th>Hours</th>
<th>Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has Capacity for suitable duties with restrictions</td>
<td>For normal hours</td>
<td>With the aim to upgrade to pre-injury duties</td>
</tr>
<tr>
<td>2. Fit for pre-injury duties</td>
<td>For reduced hours</td>
<td>With the aim to upgrade to normal hours</td>
</tr>
<tr>
<td>3. Has Capacity for suitable duties with restrictions</td>
<td>For reduced hours</td>
<td>With the aim to upgrade to pre-injury duties and hours</td>
</tr>
</tbody>
</table>

Copies of the agreed Recover at Work Plan will be distributed to the injured worker, employer, Nominated Treating Doctor and any other relevant signatories. Confirmation of agreement to the plan will be sought via signature or email.

The injured worker and supervisor are to cooperate in the development of a Recover at Work Plan and to ensure compliance with the plan.

7.5. Return To Work Obligations of Employees

The following is with reference to Section 48 of the Workplace Injury Management and Workers Compensation Act 1998.

1. A worker who has current work capacity must, in co-operation with the employer or insurer, make reasonable efforts to return to work in suitable employment or pre-injury employment at the worker’s place of employment or at another place of employment.

2. For the purposes of this section, a worker is to be treated as making a reasonable effort to return to work in suitable employment or pre-injury employment during any reasonable period in which:
   a. the worker is waiting for the commencement of a workplace rehabilitation service that is required to be provided under an injury management plan for the worker, or
   b. the worker is waiting for a response to a request for suitable employment or pre-injury
employment made by the worker and received by the employer, or

c. if the employer’s response is that suitable employment or pre-injury employment will be
provided at some time, the worker is waiting for suitable employment or pre-injury
employment to commence

7.6. Failure to comply with Return To Work Obligations of worker

The following is with reference to Section 48a of the Workplace Injury Management and Workers

1. If a worker does not comply with an obligation imposed under section 48, the insurer may in
accordance with this section:
   a. suspend the payment of compensation in the form of weekly payments to the worker, or
   b. terminate the payment of compensation in the form of weekly payments to the worker, or
   c. cease and determine the entitlement of the worker to compensation in the form of
weekly payments in respect of the injury under this Act.

2. If the insurer seeks to suspend payments of compensation under subsection (1)(a), the insurer
must give written notice to the worker stating:
   a. the reason for the giving of the notice, and
   b. that unless the worker complies with the obligation under section 48 specified in the
notice, weekly payments to the worker will be suspended from the date specified in the
notice which must be a date at least 14 days after notice is given but no more than 60
days after notice is given, and
   c. the consequences of failing to comply as specified in the notice.

3. If the worker fails to comply with a written notice under subsection (2), the insurer may suspend
the payment of weekly payments to the worker for a period of 28 days after the date specified in
the notice referred to in subsection (2) (b).

4. If the worker complies with the obligation specified in the notice under subsection (2) during the
period that weekly payments are suspended under subsection (3), the insurer must, subject to
and in accordance with this Act, resume the payment of weekly payments with effect from the
date on which the worker complied with the obligation.

5. If subsection (4) applies, the worker forfeits any compensation in the form of weekly payments
that would otherwise have been made during the period of suspension until the worker complied
with the obligation and that period is included in determining the first or second entitlement
period under Division 2 of Part 3 of the 1987 Act.

6. If the worker does not comply with the obligation specified in the notice under subsection (2) for
the entire period that weekly payments are suspended under subsection (3), the insurer may
terminate the payment of compensation in the form of weekly payments to the worker in respect
of the injury by written notice stating the reasons for giving the notice.

7. If the worker:
   a. does not comply with the obligation specified in the notice under subsection (2) for the
entire period that weekly payments are suspended under subsection (3), and
   b. has within the last 12 months prior to the giving of the notice referred to in paragraph (a):
      i. been issued 2 notices under subsection (2) without a subsequent suspension of
weekly payments, or
      ii. had compensation in the form of weekly payments suspended once under
subsection (3), the insurer may cease and determine the entitlement to
compensation in the form of weekly payments in respect of the injury to the
worker under this Act by written notice stating the reasons for giving the notice.

7.7. Employer must provide suitable work

The following is with reference to Section 49 of the Workplace Injury Management and Workers
1. If a worker who has been totally or partially incapacitated for work as a result of an injury is able to return to work (whether on a full-time or part-time basis and whether or not to his or her previous employment), the employer liable to pay compensation to the worker under this Act in respect of the injury must at the request of the worker provide suitable employment for the worker.

   Maximum penalty: 50 penalty units.

2. The employment that the employer must provide is employment that is both suitable employment (as defined in section 32A of the 1987 Act) and (subject to that qualification) so far as reasonably practicable the same as, or equivalent to, the employment in which the worker was at the time of the injury.

3. This section does not apply if:
   a. it is not reasonably practicable to provide employment in accordance with this section, or
   b. the worker voluntarily left the employment of that employer after the injury happened (whether before or after the commencement of the incapacity for work), or
   c. the employer terminated the worker’s employment after the injury happened, other than for the reason that the worker was not fit for employment as a result of the injury.

7.8. Approved Workplace Rehabilitation Providers

External Workplace Rehabilitation Providers are organisations made up of health professionals (from the disciplines of physiotherapy, occupational therapy, counselling and medicine) that are approved by SIRA to provide specific rehabilitation related services aimed at returning the injured worker to suitable employment.

In some cases the Return to Work Coordinator may need to enlist the services of an Approved Workplace Rehabilitation Provider. Approval for these services are provided by the claims officer and monitored by the return-to-work role. Some examples of situations where a Rehabilitation Provider might be engaged may be where:

- The injured worker is likely to have an extended period of total incapacity to work
- There is difficulty in identifying duties within an injured worker’s certified capacity of employment
- An assessment of the injured worker’s physical capacity may be required to assist finding suitable employment
- The injured worker is unlikely to resume full pre-injury duties in the long-term
- The injured worker’s goal is identified to be return to a different job with the same employer, or different job with different employer, and training, work trials or job placement may be required
- An assessment of work experience and transferrable skills is required to assist redeployment.

SIRA requires employers to nominate one or more accredited providers to assist in the rehabilitation of injured workers. A full listing of all accredited Rehabilitation providers can be found on the SIRANSW website.

Rehabilitation Providers may be engaged for a one-off service or they may be engaged to assist with the day to day injury management of complex cases. Some of the functions and services they provide include the following:

- Identifying and designing duties within a worker’s certified capacity of employment for the injured worker
- Identifying and coordinating rehabilitation strategies to return to and maintain work
- Monitoring return to work and individual Recover at Work Plans, with gradual upgrades to return to pre-injury duties where appropriate
- Providing education and advice regarding management of an injury
- Arranging appropriate retraining and placement in alternative employment when the injured worker is identified as unable to return to pre-injury duties long-term e.g. JobCover placement programs and work trials
- Performing workplace assessment and providing ergonomic advice
- Performing functional or vocational assessment
7.9. Engaging an Approved Workplace Rehabilitation Provider

The injured worker, manager and supervisor will be advised of the intention to involve a rehabilitation provider to assist in the return to work/injury management of an injured worker. UNSW has provided a list of three nominated Rehabilitation Providers taking into consideration proximity to UNSW and to the home locations of workers (see Section 7.11).

The injured worker has the right to choose their own or change their Rehabilitation Provider if necessary, in consultation with the UNSW Workers Compensation section. Injured workers are requested to advise the UNSW Workers Compensation Department of the chosen Provider within 7 days of being notified of the need to involve a Rehabilitation Provider.

UNSW as an employer will provide reasonable access to the workplace to a Rehabilitation Provider involved in rehabilitation of an injured worker at UNSW.

7.10. Changing Approved Workplace Rehabilitation Provider

An injured worker may be permitted to change their Approved Workplace Rehabilitation Provider.

Requests to change Approved Workplace Rehabilitation Provider will be reviewed on a case by case basis and agreed between UNSW and the injured worker.

Circumstances where UNSW as a Self-Insurer may suggest the worker, or consider the request of the injured worker to, change Approved Workplace Rehabilitation Provider may include but are not limited to:

- The Provider does not have appropriate qualifications/ experience in the specialty required
- Communication (including language difficulties) with the Provider is impeding injury management and an early, safe and durable return to work
- Either the worker or the Provider moves or the Provider no longer services the required area
- The Provider discontinues practice in the required specialty

The injured worker may request to change their Approved Workplace Rehabilitation Provider in writing either personally; by facsimile; by email or by mail to their Claims Officer. The request is required to state the reasons for wishing to change Provider and the name, address and phone number of the Provider preferred to take over the role.

7.11. Nominated Approved Workplace Rehabilitation Providers

The nominated rehabilitation providers for UNSW are:

- **Recovre**
  Ph. 1300 550 276  
  8/179 Elizabeth St  
  Sydney NSW 2000

- **The Rehabilitation Specialists**
  Ph: (02) 9516 3062  
  Suite 4, 1-7 Probert St  
  Camperdown NSW 2050

- **Workers Health Centre** *(Union Nominated)*
  Ph: (02) 9749 7666  
  133 Parramatta Road  
  Granville NSW 2142

A full list of occupational rehabilitation providers in NSW is available at SIRA’s website:
7.12. Assistance with Redeployment for Injured Workers

When it is medically determined by the nominated treating doctor or specialist that it is not appropriate for the injured worker to return to their pre-injury duties, permanent medical restrictions will need to be determined.

When permanent medical restrictions are determined, consultation with the injured workers' immediate area will be completed to determine if alternate duties are able to be offered.

The injured worker will be referred to a Rehabilitation Provider where an assessment will be completed to further assist with the identification of other vocational skills for alternate employment either within UNSW or external to UNSW.

In cases of redeployment UNSW will consider accessing vocational programs administered by the State Insurance Regulatory Authority under Section 53 of the Workplace Injury Management and Workers Compensation Act 1998.

7.13. Employee not disadvantaged by participation in return to work

UNSW is committed to ensuring that participation of an injured worker in the Return to Work Program and/or Plan will not, of itself, disadvantage the employee. A Recover at Work Plan is designed to return the worker to their pre-injury average weekly earnings in their pre-injury duties or other suitable employment as determined.

For example if training and or professional development were expected to occur prior to the injury and the physical requirements of these tasks do not conflict with any medical restrictions issued by the doctor then they may be permitted to continue.

UNSW is also committed to ensuring, in accordance with Workers Compensation legislation (section 240-250 Part 8 of the Workers Compensation Act 1987), that an injured worker is not dismissed within 6 months of becoming unfit to work due to a work related injury being sustained.

8. Returning to work from a non-work related injury or disability

8.1. Return to work following non-work related injury/illness

UNSW is committed to achieving an early, safe and durable return to work for all injured workers including those who have sustained non-work related injuries.

In cases where a UNSW employee has been unable to work due to a non-work related injury/illness, and medical restrictions have been recommended for their return to work, the employee's manager/supervisor should commence discussions with the employee and medical practitioners, if the employee provides authority, to facilitate a gradual (if necessary), safe and durable return to work.

The employee should provide the supervisor with a certificate from a doctor indicating any medical restrictions that may need to be considered when identifying the availability of suitable duties or alternatively suitable employment. The employee should provide an updated certificate when these restrictions change.

The supervisor may contact the UNSW Return to Work Coordinator if advice is required to assist them in facilitating a safe and durable return to work for the employee.

This would be considered under UNSW's duty of care, suitable duties may be offered where identified practicable to do so by the supervisor. There may be cases where suitable duties are not reasonably practicable to be supplied or may be withdrawn if they can no longer be operationally sustained by the work area.

8.2. Reasonable Adjustment

In cases where an injury, disability or illness is not covered by Workers Compensation, UNSW
employees can apply for assistance in making changes to the workplace to accommodate the disability through the Reasonable Adjustment Fund. For further information about Reasonable Adjustment, please refer to the UNSW Reasonable Adjustment Guidelines for Staff and Potential Staff with Disabilities available at: http://www.gs.unsw.edu.au/policy/reasonableadjustmentguidelines.html or contact the Workplace Diversity unit.

9. Dispute Resolution

9.1. Resolution of injury management and return to work disputes

All efforts will be made by UNSW to resolve disagreements about the Return to Work Program through discussion in the spirit of cooperation.

If a dispute arises over an individual Injury Management Plan, Recover at Work Plan or any aspect of the return to work process, then all parties will work towards resolution by using the following strategies:

1. The injured employee will advise the Return to Work Coordinator of the dispute and the Return to Work Coordinator will attempt to resolve it by coordinating discussions with, as appropriate, the employee, the claims staff, the Nominated Treating Doctor, other medical professionals treating the injured employee, a Workplace Rehabilitation Provider if involved, supervisors/managers and, where requested, the employee’s union.

2. If further objective information is required to assist the dispute resolution then UNSW may:
   - Seek further information from the treating providers
   - Refer to an external Approved Workplace Rehabilitation Provider
   - Refer to an Independent Medical Consultant for issues regarding suitability of available duties and return to work
   - Refer to an Independent Medical Examiner for issues regarding treatment or injury management.

3. Where the parties have not been able to resolve the matter in dispute, the matter may, at the instigation of either party, be referred to the SIRA Customer Contact Centre (ph: 13 10 50) for advice.

4. If a Workers Compensation claim or part thereof has been disputed, then the injured employee may seek resolution from the claims staff through submitting an Application to Review Decision or through the Workers Compensation Commission:

   Address:
   Level 19, 1 Oxford Street, DARLINGHURST NSW 2010.
   Postal address:
   PO Box 594, DARLINGHURST NSW 1300.
   Email: registry@wcc.nsw.gov.au.

9.2. Injury Management Consultant

An Injury Management Consultant is a doctor who is a return to work facilitator. He/she is experienced in occupational injury and work place based rehabilitation, mediation/negotiation skills, and liaises with treating doctors, insurers, employers and injured workers to find solutions to problems in complex return to work cases.

9.3. SIRA Customer Contact Centre

In cases where a resolution with either a claims or injury management dispute is not achieved, the SIRA Customer Contact line is able to provide assistance to help the injured employee, the employer or UNSW as a Self-Insurer to resolve any problems that may arise during the Workers Compensation claim and injury management process.
9.4. Independent Medical Examiner

An Independent Medical Examiner (IME) is a specialist medical practitioner with qualifications relevant to the injured worker's injury but is not in a treating relationship with the worker. Referral to an IME is appropriate when information from the Nominated Treating Doctor is inadequate, unavailable or inconsistent and where the referrer has been unable to resolve the problem directly with the Nominated Treating Doctor.

9.5. Internal Grievance/Complaints Management

UNSW is committed to creating a fair and co-operative environment for Workplace Injury Management. However in the event a grievance or complaint should arise during the course of the claim the following steps are available. http://www.workerscompensation.unsw.edu.au/

- Discuss the complaint or grievance with the person it relates to.
- Discuss the complaint or grievance with the Workers Compensation Manager
- If the grievance is still unresolved, discuss it with the Director of Safety & Sustainability

10. Confidentiality of Injury Management Information

All information and records collected during in the injury management process will be kept confidential in accordance with the National Privacy Provisions and will only be disclosed in accordance with these and the provisions of the Workplace Injury Management and Workers Compensation Act 1998.

Injury management information is information that involves the treatment, rehabilitation, retraining, claims management and employment management practices that are directed to assist an injured worker to return to work.

The injured worker is responsible for giving consent for the doctor, employer, insurer, treating practitioners, rehab providers and WorkCover exchanging information for the purposes of managing the injury and Workers Compensation claim. This is done by signing the initial and/or subsequent Certificate of Capacity.

The injured worker may withdraw consent at any time in writing to the Return to Work Coordinator or Claims Officer, however if consent is withdrawn return to work assistance may not proceed and it may affect the employee’s entitlements to Workers Compensation benefits.

Injury management information includes:
- File notes, letters, faxes and Recover at Work Plans from the Return to Work Coordinator
- Nominated Treating Doctor assessment and reports
- Specialist assessment and reports if the employee was referred to the specialist by the Nominated Treating Doctor
- Approved Workplace Rehabilitation Provider documents

It does not include:
- Independent Medical Examiner reports where referred by the insurer
- Common law and legal proceedings
- Work Capacity assessments and decisions

11. Injury Management Responsibilities

Workplace injury management requires co-operation between all parties involved to achieve a timely, safe and durable return to work for employees following workplace injuries. Individual responsibilities are detailed below
11.1. **Injured Employees Responsibilities**

- Cooperate with UNSW to prevent work related injuries to self and others.
- Cooperate with UNSW Return to Work and Injury Management procedures that are designed to assist return to work of injured employees.
- Employees must notify their supervisor of any work related injury or illness as soon as possible after the injury occurs.
- Employees must report the injury using the online reporting system as soon as possible after the injury occurs, or not later than 48 hours after the injury. If employees are not reasonably able to do this, employees must request their supervisor to report the injury online on their behalf within 48 hours.
- The injured employee must specify one Nominated Treating Doctor or medical practice that is prepared to participate in the development and implementation of an Injury Management Plan. The injured employee has the right to choose the Nominated Treating Doctor but can change this doctor only in line with the procedure to change Nominated Treating Doctor that is outlined in this program (refer to Section 6.4).
- The injured employee must give consent for the Nominated Treating Doctor to provide information for the purposes of an Injury Management Plan and Recover at Work Plan. This can be done by either signing the initial or any subsequent Certificate of Capacity & Work Declaration or by signing an Authority to Release Medical Information form that is provided by UNSW.
- An injured employee must ensure they have consecutive Certificate(s) of Capacity & Work Declaration to cover the entire period under a Workers Compensation claim until a Certificate(s) of Capacity by the doctor is issued advising that no further treatment is required and the employee can return to Pre-Injury Duties or has capacity to work in some employment. A medical certificate should be obtained either on or before the expiry date of the current certificate; when treatment or medical restrictions change and to cover any period unfit to work due to the injury. The employee is to notify the Workers Compensation Department as soon as a certificate is obtained and forward it to the Workers Compensation Department as soon as possible.
- When receiving “reasonable and necessary” medical treatment for a work related injury or condition to obtain that “reasonable” treatment outside of normal working hours where possible.
- An injured employee must participate and co-operate in the establishment and implementation of their initial and subsequent Injury Management Plans, and carry out the activities detailed in the Injury Management Plans.
- If the injured employee unreasonably refuses to comply with their Injury Management Plan and Return to Work obligations, the insurer can suspend weekly benefits. Before suspending benefits, the insurer must write to the injured employee stating the reasons for suspension and what the employee must do to prevent the suspension.
- An injured employee will report on their progress to the Return to Work Coordinator and or Claims Officer at regular intervals while participating in an Injury Management Plan or Recover at Work Plan, and advise of any difficulties with return to work as soon as practical to assist in addressing any problems.
- An injured employee must make all reasonable efforts to return to work with UNSW as soon as possible. In the event suitable employment is not available at UNSW, an injured employee will participate in any Worktrials, JobCover, Vocational Rehab programs, Retraining or redeployment options that may be available.
- An injured employee must cooperate in the development of a Recover at Work Plan when certified fit for suitable duties and duties are identified, and a Proposed Recover at Work plan when certified unfit for work and expecting to return to work. Plans should be responded to in writing within 3 working days.
- An injured employee can advise the UNSW Workers Compensation Department if having any difficulty understanding communication due to language barrier. Advise the UNSW Workers Compensation Department as soon as possible if an interpreter or interpreter services are required.
11.2. Employer Responsibilities

- The employer must ensure the health, safety and welfare at work of all employees.
- The employer must provide duties that are suitable and within an injured employees medically certified work capacity available to injured employees if reasonably practicable to do so.
- The employer must co-operate with the UNSW Workers Compensation Department in providing retraining or different job opportunities to an injured employee who is unable to return to their pre injury job.
- The employer must notify SIRA immediately on 13 10 50 of serious incidents (see Definitions)
- The employer must appoint a trained Return to Work Coordinator with the necessary qualifications, authority and resources to negotiate; develop and implement return to work policies and procedures including the UNSW Return to Work Program.
- The employer must not dismiss an injured employee because of the injury within 6 months of the worker first becoming unfit for employment

11.3. Manager/Supervisor Responsibilities

When advised that a worker has suffered a work related injury or illness, the manager must adhere to the following:

- Ensure that the injured worker receives, or is referred for, first aid and/or medical attention, as appropriate for the severity of the injury.
- The manager/supervisor must advise the worker to complete the online injury report as soon as possible but no later than 48 hours after the injury has occurred and contact the Workers Compensation Department as soon as possible so that sufficient information can be obtained to commence the Workers Compensation process and determine claim entitlements.
- In the event the injured worker is not reasonably able to complete the online injury report, the manager must complete this on the worker’s behalf within 48 hours. The manager/supervisor must contact Workers Compensation, within 48 hours to report the injury and provide any information available at that time.
- The manager/supervisor must rectify or act on any hazardous condition, incident, workplace injury or illness and complete any identified corrective actions to assist in preventing any re-occurrences of such events or conditions.
- Managers/supervisors have an obligation to provide suitable duties for their injured workers wherever and whenever possible or practicable. And if available must comply with medical restrictions resulting from the work injury as obtained from the Nominated Treating Doctor on the Certificate(s) of Capacity.
- The manager/supervisor is to advise the Workers Compensation Department and the Return to Work Coordinator on the requirements of the injured worker’s usual/ pre-injury job and availability of suitable duties.
- The manager/supervisor must notify the Workers Compensation Department immediately if unable to provide suitable employment for a partially incapacitated worker.
- The manager/supervisor must immediately notify the Return to Work Coordinator if the injured worker presents a Certificate(s) of Capacity which advises medical restrictions that prevent the completion of their normal duties, and forward any received medical certificates to the Workers Compensation Department.
- The manager/supervisor is to ensure that any medical recommendations on the certificate are abided by until such time as adequate assessment can be instigated and Recover at Work Plan developed.
- The manager/supervisor is to participate and cooperate in the establishment of an Injury Management Plan and Recover at Work Plan when necessary for an injured worker and abide by the restrictions or obligations set out in those plans at the workplace. Recover at Work Plans are to be responded to in writing within 3 working days.
- The manager/supervisor is to comply with obligations imposed on the employer in the Injury Management Plan written by the Workers Compensation section.
• The manager/supervisor is to ensure that any colleagues of the injured worker or other key work unit personnel are sensitively advised of any relevant matters pertaining to the injured worker’s Recover at Work Plan. ‘Relevant matters’ can include, e.g. variation in hours worked, variation in duties to be performed, medical restrictions and any assistance that may need to be provided to the injured worker.

• The manager/supervisor is to monitor and sensitively handle the injured worker’s progress on their Recover at Work Plan or Injury Management Plan and liaise with the Return to Work Coordinator regarding any change, problems or unplanned absences.

11.4. Return to Work Coordinator Responsibilities

• The Return to Work Coordinator is to initiate early contact with injured worker, their supervisor and Nominated Treating Doctor, if necessary, within 3 working days of becoming aware that the workplace injury is significant (see definitions).

• The Return to Work Coordinator is to continue to determine the injured worker’s needs by discussion with the worker; the supervisor; the Nominated Treating Doctor and any other relevant parties involved in the injured worker’s rehabilitation.

• The Return to Work Coordinator is to be the focal point for all contact relating to the injured worker. Most contact will be with the worker; their supervisor; Nominated Treating Doctor, any other professional treating the worker, Claims Officer, rehabilitation provider and union if necessary.

• The Return to Work Coordinator is to create a rehabilitation file for employees with significant injuries and maintain confidential case records in accordance to legislative requirements (Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002) and abide by NSW WorkCover Authority’s Guidelines for Confidentiality of Rehabilitation Information for access to rehabilitation records and consent to release information.

• The Return to Work Coordinator is to develop, implement and review an injured worker’s Injury Management Plan in consultation with the claims officer, injured worker and their Nominated Treating Doctor within 20 days of being notified the injury is significant; at least every 3 months and when there is a significant change in injury management and distribute to relevant parties.

• The Return to Work Coordinator is to assist in identifying suitable duties with respect to the available medical information on the Certificate of Capacity with the supervisor and assist the injured worker to return to work as soon as possible or refer to an approved workplace rehabilitation provider if required.

• The Return to Work Coordinator is to provide information to the injured worker on the injury management and return to work processes and refer them to the UNSW claims staff for information on their entitlements, if relevant.

• The Return to Work Coordinator is to obtain the injured worker’s consent before obtaining or releasing rehabilitation information. This can be in the form of a Certificate of Capacity signed by the injured worker.

• The Return to Work Coordinator is to develop a Recover at Work Plan that documents duties and work restrictions when the injured worker is medically certified fit with a capacity for employment and duties are identified that fit within this capacity to employment. The Plan will be developed with reasonable attempts in consultation with the injured worker, supervisor and Nominated Treating Doctor and distribute to relevant parties.

• The Return to Work Coordinator is to assist in the redeployment of injured workers into suitable employment when an injured worker cannot return to their pre-injury duties. This may involve the use of programs involving, Work trials, JobCover programs, Vocational Rehab Programs, Retraining or Workplace Rehabilitation Provider services.

• The Return to Work Coordinator is to ensure that assistance is provided to injured workers who speak languages other than English, after being notified, to understand correspondence and their obligations. This may include arranging interpreter services.

11.5. UNSW Self-insurer Responsibilities

As a self- insurer UNSW will:
• Create a claim file for workers with work related injuries and maintain confidential case records in accordance to legislative requirements (Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002).

• Manage all claims for Workers Compensation within the Workers Compensation legislation.

• Within seven days of being notified that an employee has sustained a significant injury, begin provisional payments of weekly benefits and medical expenses, or advise the injured worker why they will not make payments.

• After being advised that an employee has suffered a significant injury, UNSW will contact the injured worker, their supervisor and their nominated treating doctor (if necessary) within three working days, for the purpose of developing an Injury Management Plan, in line with the timeframes outlined in the Injury Management Program Procedure. Contact may be made by the Return to Work Coordinator and/or Claims Officer if necessary. As per section 6.5

• Ensure correspondence will be developed and sent to the relevant parties (employer, worker and Nominated Treating Doctor) to notify that the injury management process has commenced. This correspondence will detail their obligations in the injury management process. Correspondence may be sent by Return to Work Coordinator and or Claims Officer if necessary.

• Ensure an Injury Management Plan is established for any injured worker who has sustained a Significant Injury as per the definition, in consultation with the worker and their Nominated Treating Doctor. The injured worker will be provided with information about the injury management process. The worker, supervisor and Nominated Treating Doctor will be provided with information on the Injury Management Plan initially and as the plan progresses. The Plan will be established and information provided by the Return to Work Coordinator and/or Claims Officer when necessary i.e. if classed as a Significant Injury as per section 6.6

• Inform the injured worker that their entitlements to weekly benefits can be suspended if they do not reasonably comply with their Injury Management Plan and what they must do to prevent any suspension.

• Have procedures in place for the injured worker to change their Nominated Treating Doctor and advise the worker. The procedure is advised on the Injury Management Plan; the worker may be further advised of the requirements for changing Nominated Treating Doctor if requested. This process is contained in this program. As per section 6.4

• Consult with the injured worker, employer and Nominated Treating Doctor when referring to an Approved Workplace Rehabilitation Provider. Advise the injured worker that they can choose an Approved Workplace Rehabilitation Provider and inform the injured worker of the process to be followed when changing Rehabilitation Provider. This process is contained in this program. As per section 7.9.

• Ensure vocational retraining and/or assistance to obtain employment with a new employer is arranged for an injured worker as soon as it is identified that a return to pre-injury duties or provision of suitable duties or suitable employment is no longer possible. As per section 7.7

• Ensure accuracy of payment of weekly benefits in accordance with wages as advised by the employer and legislative requirements and provide the injured worker with information about their weekly benefits and entitlements and how they may change over time.

• Ensure that assistance is provided to injured workers who speak languages other than English, after being notified, to understand correspondence and their obligations. This may include arranging interpreter services. As per section 6.7

11.6. Nominated Treating Doctor Responsibilities

The Nominated Treating Doctor is to:

• Complete Certificate of Capacity for all periods covered under the injured worker’s compensation claim until the final Work Cover NSW Certificate of Capacity medical certificate is issued.

• Specify the injured worker’s current work capacity and any associated medical restrictions and advise on the suitability of duties offered by the employer.

• Arrange and monitor appropriate treatment.

• Provide information to the insurer and employer in relation to Injury Management and Recover at Work Plans for the injured worker.
• Certify time off only if it is medically necessary.
• Promote an early and safe return to work for the injured worker.
• Review the progress of recovery of the injured worker and revise the medical management as needed.
• Advise employer/insurer on availability for discussion about injury management and return to work.

12. Review of the UNSW Return to Work Program Procedure
This program will be reviewed every 2 years from the date of effect, or earlier when there are significant changes in process or legislation.

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<th>Accountabilities</th>
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<td>Responsible Officer</td>
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<td>Contact Officer</td>
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<th>Supporting Information</th>
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<td>Parent Document (Policy)</td>
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<th>Supporting Documents</th>
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<td>Claiming workers compensation benefits guidelines - SIRA</td>
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<th>Related Documents</th>
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<tr>
<td>UNSW Return to Work Program - Procedure</td>
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<td>UNSW Health and Safety Policy</td>
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<th>Superseded Documents</th>
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<td>Injury Management Program 2010</td>
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<th>UNSW Statute and / or Regulation</th>
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<tr>
<td>Workers Compensation Act 1987</td>
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<td>Workplace Injury Management Workers Compensation Act 1988</td>
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<th>Relevant State / Federal Legislation</th>
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<th>File Number</th>
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Definitions and Acronyms

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<th>Approved Medical Specialist</th>
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<tr>
<td>Approved Medical Specialists are senior practising specialists with a sound knowledge of the NSW workers compensation system and workplace based injury management. AMS are appointed by the Workers Compensation Commission to assess disputes about medical issues for workers compensation claims lodged on or after 1 January 2002.</td>
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<tr>
<th>Independent Medical Examiner</th>
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<td>An Independent Medical Examiner is a specialist medical practitioner with qualifications relevant to the injured worker's injury but is not in a treating relationship with the injured worker and is used to assist in independent assessment of injured workers where required. They assist in decisions concerning accepting a claim, ongoing liability and the injured worker's capacity for employment.</td>
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<tr>
<th>Injured Worker</th>
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<td>Means a worker who has received a workplace injury or illness.</td>
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<th>Injury Management</th>
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<td>Injury management means the process that comprises activities and procedures that are undertaken or established for the purpose of achieving a timely, safe and durable return to work for employees following workplace injuries.</td>
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(Section 42: Workplace Injury Management and Workers Compensation Act 1998 amended 2001)
| **Injury Management Consultant** | Injury management consultants are doctors who are return to work facilitators experienced in occupational injury and workplace based rehabilitation. They are approved by WorkCover to review an injured workers fitness for employment, assess proposed suitable duties He/she has a familiarity with workplace matters, mediation/negotiation skills, and liaises with the nominated treating doctor. |
| **Injury Management Program** | Injury Management Program is defined as a coordinated and managed program that integrates all aspects of injury management (including treatment, rehabilitation, retraining, claims management and employment management practices) for the purpose of achieving optimum results in terms of a timely, safe and durable return to work for injured employee. (Section 42: Workplace Injury Management and Workers Compensation Act 1998 amended 2001) |
| **Injury Management Plan** | Injury Management Plan means a plan for coordinating and managing those aspects of injury management that concern the treatment, rehabilitation and retraining of an injured employee, for the purpose of achieving a timely, safe and durable return to work for the employee. (Section 42: Workplace Injury Management and Workers Compensation Act 1998) |
| **Nominated Treating Doctor (NTD) / Treating Specialist Medical Practitioner** | Nominated Treating Doctor means the treating doctor nominated by an injured worker for the purposes of an Injury Management Plan for the injured worker. |
| **Recover at Work Plan (RAW Plan)** | A RAW Plan is a plan which indicates and identifies potential suitable duties for a future return to work and outlines the steps that will be taken to facilitate this return for the purpose of achieving optimum results in terms of a timely, safe and durable return to work for injured workers. (Refer to WorkCover NSW: Guidelines for Employers Return to Work Programs, 2010) |
| **Serious incidents** | Some examples of a serious incident as listed under clause 36 of the Work Health and Safety Act 2011 are:  
A **serious injury or illness of a person** means an injury or illness requiring the person to have:  
- (a) immediate treatment as an in-patient in a hospital, or  
- (b) immediate treatment for:  
  - (i) the amputation of any part of his or her body, or  
  - (ii) a serious head injury, or  
  - (iii) a serious eye injury, or  
  - (iv) a serious burn, or  
  - (v) the separation of his or her skin from an underlying tissue (such as degloving or scalpeling), or  
  - (vi) a spinal injury, or  
  - (vii) the loss of a bodily function, or  
  - (viii) serious lacerations, or  
- (c) medical treatment within 48 hours of exposure to a substance, and includes any other injury or illness prescribed by the regulations but does not include an illness or injury of a prescribed kind. |
| **Significant Injury** | Significant injury is a workplace injury that is likely to result in the employee being incapacitated for a continuous period of more than 7 days, whether or not any of those days are work days and whether or not the incapacity is total or partial or a combination of both. (Section 42: Workplace Injury Management and Workers Compensation Act 1998 amended 2001) |
### Suitable Employment

"Suitable employment", in relation to a worker, means employment in work for which the worker is currently suited:

(a) having regard to:

(i) the nature of the worker’s incapacity and the details provided in medical information including, but not limited to, any certificate of capacity supplied by the worker (under section 44B), and

(ii) the worker’s age, education, skills and work experience, and

(iii) any plan or document prepared as part of the return to work planning process, including an injury management plan under Chapter 3 of the 1998 Act, and

(iv) any occupational rehabilitation services that are being, or have been, provided to or for the worker, and

(v) such other matters as the WorkCover Guidelines may specify, and

(b) regardless of:

(i) whether the work or the employment is available, and

(ii) whether the work or the employment is of a type or nature that is generally available in the employment market, and

(iii) the nature of the worker’s pre-injury employment, and

(iv) the worker’s place of residence.

### Work Capacity

A work capacity assessment undertaken by the insurer is a review of the worker’s functional, vocational and medical status and helps to inform decisions by the insurer about the worker’s ability to return to work in his or her pre-injury employment or suitable employment with the pre-injury employer, or at another place of employment.

The insurer may conduct a work capacity assessment at any stage throughout the life of a claim. It is an ongoing process of assessment and reassessment that commences on notification of a workplace injury and continues as needed during the life of the claim.

**Current work capacity**

In relation to a worker, is a present inability arising from an injury such that the worker is not able to return to his or her pre-injury employment but is able to return to work in suitable employment.

**No current work capacity**

In relation to a worker, is a present inability arising from an injury such that the worker is not able to return to work, either in the worker’s pre-injury employment or in suitable employment.

### Workplace Injury

Workplace injury means an injury to an employee in respect of which compensation is or may be payable under the Workers Compensation Act 1987.

(Section 42: Workplace Injury Management and Workers Compensation Act 1998 amended 2001)

### Revision History

<table>
<thead>
<tr>
<th>Version</th>
<th>Approved by</th>
<th>Approval date</th>
<th>Effective date</th>
<th>Sections modified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Vice-President, Campus Life &amp; Community Engagement</td>
<td>1 September 2016</td>
<td>1 September 2016</td>
<td>This is a new Procedure</td>
</tr>
</tbody>
</table>
Were you injured at work?

NO
injured outside of work and require time off - You take personal or sick leave

YES - You are to report the injury within 48 hours, seek first aid/medical treatment (if required) and obtain a Certificate of Capacity if you intend making a claim for workers compensation. You must keep your supervisor informed of your condition

Access the online report:
Log on to myUNSW: Go to My Staff Profile
Click on my profile
Click on Health Safety & Environment tab
Click Report a Hazard/Incident
If you are unable to do this, ask a supervisor or colleague to report on your behalf

After you submit your report a UNSW Workers Compensation Claims Officer will contact you and your supervisor to discuss potential injury details and determine whether the injury is significant or non-significant

Injury results in more than 7 days either off without a capacity for employment or on a restricted capacity for employment. (including weekends) = A Significant injury and requires injury management. A claim may be pursued

Making a claim – If you wish to pursue a claim for Workers Compensation. A UNSW Workers Compensation Claims Officer will provide the appropriate claim forms for you to complete, if required, and return. A WorkCover NSW Certificate of Capacity must be provided indicating when you have an incapacity for work or have capacity for some type of work other than your Pre-Injury Duties.

Injury results in 7 days or less either off work or on light duties (including weekends). = A Non-Significant Injury. Injury management is not required. A claim may be pursued.

Note: Managers / Supervisors are to provide written statements, documents to the claims officer regarding any information that can assist in determining liability of the claim

Documents that you must provide the Workers Compensation Dept. are: HS & Environment Incident form (online); Certificate of Capacity (original) and UNSW Workers Compensation claim forms (if required).

Information on Workstation Ergonomics and self-assessment is found on the HS website. Requests to purchase ergonomic equipment i.e. Headsets, chairs, dragon dictate, etc. need to be addressed to your supervisor as these are not considered a claims cost.

Key
Reporting □
Making a claim □
Injury Management □
No Injury Management □

UNSW Workers Compensation Department: LG 25 The Chancellery
Phone Number: 93851107 Phone:02 9385 1107 Fax: 02 9663 4203
This Injury Management Plan (‘IMP’) is designed to provide the worker, the nominated treating doctor, other treatment / rehabilitation providers and University of NSW with a detailed plan of the current and future injury management actions aimed at assisting the worker recover from injury and return to maximum working capacity in a safe and timely manner.

<table>
<thead>
<tr>
<th>WORKER &amp; EMPLOYMENT DETAILS</th>
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<tbody>
<tr>
<td>Worker Name:</td>
<td>Date of Birth:</td>
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<tr>
<td>Worker Address:</td>
<td>Worker Home Ph:</td>
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<tr>
<td></td>
<td>Worker Work Ph:</td>
</tr>
<tr>
<td>Pre-Injury Occupation:</td>
<td>Pre-Injury Hrs:</td>
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<tr>
<td>Faculty/ School/ Department/ Unit:</td>
<td>Manager Name:</td>
</tr>
<tr>
<td>Location:</td>
<td>Manager Ph:</td>
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<td>Manager Mb:</td>
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<thead>
<tr>
<th>CLAIM &amp; INJURY DETAILS</th>
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<tbody>
<tr>
<td>Claim Number:</td>
<td>Injury Date:</td>
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<tr>
<td>Description of Injury:</td>
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<td>Claim Status:</td>
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<tr>
<th>NOMINATED TREATING DOCTOR</th>
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<tr>
<td>Doctor Name:</td>
<td></td>
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<tr>
<td>Doctor Address:</td>
<td>Phone:</td>
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<td></td>
<td>Fax:</td>
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<thead>
<tr>
<th>REHABILITATION PROVIDER</th>
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<tbody>
<tr>
<td>Provider Name:</td>
<td>Consultant:</td>
</tr>
<tr>
<td>Provider Address:</td>
<td>Phone:</td>
</tr>
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<td></td>
<td>Fax:</td>
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</tbody>
</table>
**CONSULTATION & INFORMATION ON WHICH THIS PLAN IS BASED**

Confirmation of consultation with the following parties

<table>
<thead>
<tr>
<th>Worker:</th>
<th>Yes</th>
<th>No</th>
<th>Consultation Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominated Treating Dr:</td>
<td>Yes</td>
<td>No</td>
<td>Consultation Date:</td>
</tr>
</tbody>
</table>

Reason why either party not consulted:

Any additional information or consultation on which this Plan was based (e.g. certificate, medical report, rehabilitation report etc.):

---

**INJURY MANAGEMENT GOALS**

Short Term IM Goal (to be achieved within 3 months of this Plan commencing):

Long Term IM Goal:

---

**TREATMENT (CURRENT & ANTICIPATED)**

List ALL current & anticipated treatment in relation to the worker’s injury together with all relevant information known about that treatment, e.g. provider name, type of treatment, frequency, and expected duration. [Consider: NTD, physiotherapy, specialist, pharmaceuticals, radiology etc.]

Separate approval for treatment must be sought from UNSW prior to receiving treatment. Failure to obtain approval prior to receiving treatment may leave you able liable for costs involved (not including treatment or service that is exempt under State Insurance Regulatory Authority (Formally WC guidelines))

<table>
<thead>
<tr>
<th>Treatment Type</th>
<th>Treatment Provider Name</th>
<th>Frequency of Treatment</th>
<th>Expected Treatment End Date (or Date Scheduled For if “one-off” service)</th>
</tr>
</thead>
</table>

In the ACTIONS section, document the actions required:

a) To clarify the details of any treatment being undertaken or proposed (e.g. any of the details missing from above); and
b) Of the worker to participate in the ongoing and/or scheduled treatment
c) To review whether treatment continues to be reasonably necessary (Refer to Rule 10 WorkCover Guidelines for Claiming Compensation Benefits)

---

**RETURN TO WORK / REHABILITATION**

Current RTW goal, including estimated timeframe to achieve goal:

Current RTW Plan Duration

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Next NTD review date</th>
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</table>

What RTW upgrades are anticipated by end of:

This Plan?
| What Occupational Rehabilitation services are being provided at present and/or are proposed (by a WorkCover approved Rehabilitation Provider)? | NA |

In the ACTIONS section, document what actions are required to review, monitor and progress RTW / occupational rehabilitation

### OTHER INJURY MANAGEMENT ACTIVITIES

What other IM activities are presently being undertaken, are scheduled or are anticipated? (E.g. IMC, Retraining, Job Seeking)?

### ACTIONS

Detail all Injury Management actions required of the worker, Self-Insurer, Nominated Treating Doctor, any other treatment provider, rehabilitation provider, or any other relevant party involved in the worker's injury management.

The "date for completion" should be relevant to the individual action, not necessarily the same as the IM Plan review date.

<table>
<thead>
<tr>
<th>Person responsible for Action</th>
<th>Action</th>
<th>Date for Completion</th>
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### PLAN REVIEW

Plan review date: By this plan will be succeeded by a plan of a higher number, unless change in work status or significant change in treatment.

### PLAN DISSEMINATION

A copy of this Plan has been sent to:

- Worker x
- Nominated Treating Doctor x
- Manager x
- Treating Specialist
- Return to Work Coordinator x
- Rehabilitation Provider
- Other (detail)

Plan developed by: (Return to Work Coordinator)

Signed: ____________________________ (IW Name)
INJURY MANAGEMENT PLAN OBLIGATIONS

UNSW is a self-insurer under the Act. Contact details are as follows:

**Insurer Contact:**
Alecia Ford/ Andrea Flood
Workers Compensation
LG, Room 25
The Chancellery
UNSW SYDNEY, 2052
Ph. 9385 2722 / 9385 3194

**Return to Work Coordinator:**
David Leeson
Workers Compensation
LG, Room 25
The Chancellery
UNSW SYDNEY, 2052
Ph. 9385 3784

**Injury Management Plan (IMP) Information Sheet:**

An IMP is required to be developed when a worker suffers a significant injury. A significant injury is defined as one that is likely to result in the worker being unable to perform their pre-injury duties for a continuous period of greater than seven days.

**INJURY MANAGEMENT AND RETURN TO WORK OBLIGATIONS OF WORKERS**

An Injured Worker is required to:

- Actively participate and cooperate in the establishment of an Injury Management Plan (IMP) required to be established for the worker. (Section 47 (1) of Workplace Injury Management Workers Compensation Act 1998)
- Comply with the obligations imposed on the worker by or under an Injury Management Plan for the worker. (Section 47 (2) of Workplace Injury Management Workers Compensation Act 1998)
- In co-operation with the employer and the insurer a worker must make all reasonable efforts to return to work in suitable employment or Pre Injury employment at the worker’s place of employment or another place of employment when they have a current work capacity. (Section 48 (1) of Workplace Injury Management Workers Compensation Act 1998)
- Select a nominated treating doctor to manage his/her injury and return to work, a medical practice can also be nominated as treating doctor where other members of the same practice of the nominated treating Dr can treat the injured worker from time to time
- Authorise his/her nominated treating doctor to provide relevant injury management information for the purposes of an Injury Management Plan to UNSW Workers Compensation (Section 47 (5) of Workplace Injury Management Workers Compensation Act 1998)
- Complete the injured worker declaration consent on Page 3 of the Certificate of Capacity and consent section on Page 1 of the Certificate of Capacity
- Attend medical appointments arranged by UNSW Workers Compensation
- Participate in recommended treatment as per Nominated Treating Dr’s advice aimed at timely recovery from injury
- When receiving reasonable and necessary medical treatment for a work related injury or condition to obtain that reasonable treatment outside of normal working hours as per WorkCover guidelines for workplace return to work programs
- Obtain Separate approval for treatment must be sought from UNSW prior to receiving treatment. Failure to obtain approval prior to receiving treatment may leave you liable for costs involved (not including treatment or service that is exempt under the WorkCover guidelines)
- Before changing your nominated treating doctor, you must provide to the Claims officer your request in writing detailing the reasons why you wish to change doctors;
- Submit in a timely manner properly completed WorkCover NSW Certificate of to support any period of incapacity
- Sign a copy of your Injury Management Plan and return it to the UNSW Workers Compensation Department within the advised timeframe

**Failure to comply with your Injury Management Plan and Return to Work Obligations:**

Under Section 45 (4) of Workplace Injury Management Workers Compensation Act 1998 (the 1998 Act), an injured worker may have no entitlement to weekly payments of compensation if the worker fails unreasonably to comply with the requirements of Chapter 3 (1998 Act) after being requested to do so by UNSW Workers Compensation as the insurer.

Section 48A of the 1998 Act states the following with regards to failure to comply with return to work obligation of worker. If a worker does not comply with an obligation of the worker imposed under section 48, the insurer may in accordance with this section: (a) suspend, (b) terminate payment of compensation in the form of weekly payments to the worker and (c) the insurer may cease and determine the entitlement of the worker in the form of weekly payments in respect of the injury under this Act.

If the insurer seeks to suspend payments of compensation under section (1) (a) the insurer must give notice to the worker stating; (a) the reason for giving the notice, (b) that unless the worker complies with the obligation under section 48 specified in the notice, weekly payments to the worker will be suspended from the date specified in the notice which must be 14 days after notice is given but no more than 60 days after notice is given and (c) consequences of failing to comply as specified in this notice.
For full detail and further information please refer to Workplace Injury Management and Workers Compensation Act 1998 – Sect 48A.

**Changing Nominated Treating Doctor**

The injured employee must nominate a treating medical practitioner who is prepared to assist with the development of, and continue to be involved in, the Injury Management Plan. The injured employee must authorise the nominated treating doctor to provide relevant information for the purpose of an Injury Management Plan.

Requests to change nominated treating doctors will be reviewed on a case by case basis. UNSW will endeavour to provide referrals to independent treatment professionals who are focused on active injury treatment and return to work.

An injured worker is not to change nominated treating doctor unless he / she can provide a valid reason for the change in line with Section 47(6) of the Workplace Injury Management and Workers Compensation Act 1998. To request such a change, the injured worker must submit the request in writing either personally or by facsimile, by e-mail or by mail stating the reasons for wishing to change the nominated treating Doctor and the name, address and phone number of the doctor preferred to take over the role.

Weekly benefits may not be paid for periods covered by medical certificates not issued by the agreed nominated treating doctor.

University of NSW Workers Compensation may request an injured worker to change nominated treating doctor if the Certificate() of Capacity are continually backdated or if the nominated treating doctor repeatedly fails to cooperate in the development and review of the IMP.

**The Nominated Treating Doctor is required to:**

- Actively assist the injured worker to recover from injury
- Support the injured worker’s safe return to work
- Provide a properly completed Certificate of Capacity to the injured worker with all relevant sections completed
- Cooperate in the development and ongoing review of the IMP
- Be available to discuss the workers injury management with University of NSW Workers Compensation and/or its medical and rehabilitation providers
- Provide a Certificate of Capacity every 28 days unless clinical reasoning is provided for a review date greater than 28 days.

**University of NSW and University of New South Wales Workers Compensation Department is required to:**

- Provide suitable duties to an injured worker, unless it is not reasonably practicable to do so
- Develop the IMP in consultation with the injured worker, the nominated treating doctor and any other relevant provider
- Disseminate a copy of the IMP to all parties involved in the injury management process
- Comply with the obligations imposed on University of NSW Workers Compensation Department under the IMP
- Authorise, in consultation, with the nominated treating doctor, reasonably necessary treatment
- Ensure the timely delivery of appropriate compensation entitlements to the injured worker
- Utilise fair and effective procedures to manage anyone who fails to meet his/her IMP obligations
- Ensure all personal information and records in the injury management process will be collected and kept confidential in accordance with the National Privacy Provisions and will only be disclosed in accordance with these and / or the provisions of the Workplace Injury Management and Workers Compensation Act 1998.
- Not to terminate an injured employee within 6 months of date of injury on the basis of injury.
Appendix 3 – Recover at Work Plan

WC004
Recover at Work Plan

Recover at Work Plan 1

<table>
<thead>
<tr>
<th>Workers Name:</th>
<th>Position Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Injury:</td>
<td>School / Unit Where</td>
</tr>
<tr>
<td>Nature of Injury:</td>
<td>Employed:</td>
</tr>
<tr>
<td>Bodily Location:</td>
<td>Medical certificate received:</td>
</tr>
<tr>
<td></td>
<td>Contact with worker attempted/completed:</td>
</tr>
<tr>
<td></td>
<td>Contact with supervisor attempted/completed:</td>
</tr>
<tr>
<td>Rehabilitation Goal:</td>
<td>Date Plan Prepared:</td>
</tr>
<tr>
<td>Claim Number:</td>
<td></td>
</tr>
</tbody>
</table>

Note: Suitable or restricted duties are only available for a closed period. The work area may withdraw suitable duties at any time as per their operational requirements. At this point suitable duties at an alternative employer will be investigated.

From: xx/xx/xx To: xx/xx/xx Next Dr Appointment: xx/xx/xx
The current Certificate of Capacity expires on the xx/xx/xx. Please forward the review certificate to Workers compensation within 2 days of obtaining it. The restrictions have been extended 2 working days to cater for this. Please ensure that all reviews occur on or prior to the expiry date of the I Certificate of Capacity.

This plan will be superseded by one of a higher number.

Recover at Work Goal:

Current Capacity for work:

Hours/Days: e.g. 7 hrs/day 5 days/week
Work capacity: no lifting above 5kg, no squatting etc.

Duties to be PERFORMED: e.g Administration duties e.g data entry, answering phone calls, internet research

Duties to be AVOIDED:

e.g. The duties to be avoided include the following – no lifting, no repetitive movements of the back

Goal hours to achieve:

HOURS to be worked & WAGES: Your hours of duty and wages will be identical to your pre-injury hours or the appropriate workers compensation benefit.

Other Considerations:
- E.g. ergonomic training
- E.g. breaks
- E.g. Treatment times
- E.g. reporting difficulties to manager/sup and RTWC
- E.g. working within capacity.

**Monitoring compliance with the plan:**  
**David Leeson** (Return to Work Co-ordinator) and  
(Supervisor)

**Investigating return to work upgrades:**  
**David Leeson** (Return to Work Co-ordinator) and  
(Nominated Treating Doctor)

**REVIEW Date to investigate upgrades:**

This plan has, with reasonable attempts, been developed in consultation with (IW Name), supervisor and her nominated treating doctor.

**Agreement:**
The following parties agree to the following return to work plan, please sign and return within 3 working days if appropriate.

**Important:** In the event that the Medical certificate is not received by the end of this plan then the worker and supervisor agree to abide by the conditions of this plan beyond the review date until either a new Return to Work Plan is issued or a medical certificate advising new hours / restrictions is received.

IW  
________________________________________  Date: ___________

Supervisor  
________________________________________  Date: ___________

**Note:** the doctor is also sent a copy of this plan and asked to review and return within 3 working days  
________________________________________  Date: ___________

Please sign and return fax to **9663 4203**

____________________  
Return to Work Coordinator

Copies to:  IW (name), Supervisor (name), Nominated Treating Dr.